

**FISCAL NOTE**  
**HB 3075 - SB 3271**

February 17, 2004

**SUMMARY OF BILL:** Requires all counties with electronic voting machines to place a copy of the source code in an escrow facility no later than seven days prior to the election. If the source code is amended after the seventh day, the subsequent software program shall be deposited in the escrow facility no later than noon on the day of the election.

The bill authorizes the Secretary of State to file proceedings against any county election commission not complying with this procedure. In such action the Secretary of State may seek, and the court may grant, injunctive relief and any other relief available in law or equity. The Secretary of State is also authorized to promulgate the appropriate rules and regulations to carry out the provisions of this bill.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - Not Significant**

**Increase Local Govt. Expenditures - Not Significant**

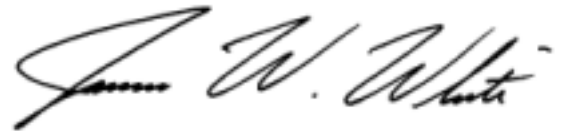
Estimate assumes:

- any costs to the Secretary of State associated with the filing of any proceedings against a county election commission for noncompliance or the promulgation of rules and regulations will be not significant.
- any cost associated with county election commissions acquiring such source codes from the manufacturers and the securing of such source codes in an escrow facility is estimated to be not significant.
- Any cost to the county election commissions to defend themselves in a proceeding brought by the Secretary of State for noncompliance with this procedure in the chancery court in Davidson County is estimated to result in an increase in local government expenditures. Such increase cannot be determined but is estimated to be not significant. Assumes few proceedings would be brought since, at present, manufacturers of DREs (touch screen voting machines) are not required to give the source code to the county election commissions. Therefore, at the present time, the county election commissions would not be able to comply with this law.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director